

**MINUTES  
FAIRVIEW, TEXAS  
PLANNING AND ZONING COMMISSION  
THURSDAY, NOVEMBER 12, 2015**

The Planning and Zoning Commission met in regular session on Thursday, November 12, 2015 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Scott Almy, Ricardo Doi and John Cox. Staff members present were Town Manager, Julie Couch; Interim Planning Manager, Robert LaCroix; Town Engineer, James Chancellor; Engineer-In-Training, Danielle Gregory and Town Secretary, Elizabeth Cappon. Commissioner Flood and Commissioner Hager were absent.

**1. Call to order**

Chairman Northcutt called the meeting to order at 7 p.m. and declared a quorum was present.

**2. Consider and take action regarding the minutes of the October 8, 2015 Planning and Zoning Commission meetings.**

Commissioner Friend made a motion to approve the October 8, 2015 minutes. Commissioner Almy seconded the motion and the motion was unanimously approved.

**3. Conduct a public hearing, consider, and take any necessary action on a request by Mr. Byron Reid, representing M. Christopher, Custom Home Builder, to rezone a 32.104± acre tract of land being a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being Tract 1-13.692 acres, Tract 2-3.06 acres, Tract 3-10.00 acres and Tract 4-17.50 acres described by deed to Starfish Investments, LP according to the deed recorded in cc#20100629000665030 of the Real Property Records of Collin County, Texas, and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone. (ZA2015-14).**

Mr. LaCroix gave a presentation on a request by Mr. Byron Reid, representing M. Christopher, Custom Home Builder, to rezone a 32.104± acre tract of land generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone.

Mr. LaCroix discussed the prior history with the applicant, the Commission and the Town Council regarding the proposed zoning of this particular piece of property. Mr. LaCroix also discussed potential changes to the flood plain and land use plan.

Mr. LaCroix stated of the 56 notices sent within the 500-foot notification boundary, the Town received no statements of support and five statements of opposition in response.

Mr. LaCroix stated that because staff has not yet viewed the final flood study, staff considers approval of the request by the applicant for RE-2 Zoning; a judgement decision by the Commission and the Council. Mr. LaCroix stated that if the floodplain is adjusted, then the development does meet the land use plan and it would support the requested zoning.

Mr. Chancellor discussed the third-party flood study with the Commission. Mr. Chancellor stated that he should have the final flood study before the December Council meeting. Mr. Chancellor stated that he was positive about what he has seen so far of the incomplete study and that the flood plain is retreating, but until the study is complete and Staff sees how the Developer reacts to the study, it is difficult to make a recommendation.

Chairman Northcutt and Mr. Chancellor discussed the water runoff issues on Kentucky and the potential impact from the development.

Chairman Northcutt opened the public hearing.

The applicant, Bryon Reid, President of M Christopher Custom Homes, stated his support for the project. Mr. Reid discussed the prior history of the development with The Council regarding the flood study. Mr. Reid stated that he would like to make the entrance on Farmstead emergency access only and direct all traffic off Country Club to alleviate resident traffic concerns.

Patrick Reese, 1161 Farmstead Street, stated that he was happy that the Starfish and Toll properties had been recombined. Mr. Reese stated his appreciation for the developer's interest in making Farmstead emergency access only. Mr. Reese stated that he still felt there were drainage issues to be addressed.

Chairman Northcutt closed the public hearing.

Chairman Northcutt stated the Commission had two options to either issue a continuance or vote based on what they have currently seen. Chairman Northcutt stated that until the Commission sees the completed flood study, he felt the Commission could not properly review the item before deciding whether to send it to the Town Council.

Commissioner Cox stated based on the length of time he had been on the Commission, he was not as familiar with the case and having not viewed the complete flood study, he would recommend continuing the hearing to a later date.

Commissioner Doi and Mr. Chancellor discussed drainage and the flood study. Commissioner Doi stated he would support better mitigation of flood plain above enforcing the minimum one-acre of buildable area requirement. Commissioner Doi asked if the change to Farmstead to emergency access had been recorded. Town Manager Couch stated that it had to be replated. Commissioner Doi stated that he wanted to go on record to say that Huitt-Zollars was a reputable firm that uses the same technology as FEMA does.

Commissioner Almy stated that he agreed with Commissioner Cox and that they should continue the proceedings to a later date once Staff has received the study. Commissioner Almy stated that he appreciates the progress made by the builder.

Commissioner Friend stated he did not feel the Commission could take action without the floodplain study. Commissioner Friend asked why staff did not recommend approval or denial. Mr. LaCroix stated that the applicant wanted to bring it forward to the Council but that Staff would not recommend it without viewing the completed study. Commissioner Friend stated that he did not feel it should be the job of the Commission to engineer these projects.

Chairman Northcutt asked if this study would accommodate FEMA in adjusting their flood plain. Mr. Chancellor stated that it would be the first step in the FEMA flood map revision process.

Chairman Northcutt stated that he felt the Commission agreed that the item should be continued to a later date when the flood study would be available.

Commissioner Doi made a motion to continue the public hearing on a request made by Mr. Byron Reid, representing M. Christopher, Custom Home Builder, to rezone a 32.104± acre tract of land being a portion of a 44.069 acre tract of land situated in the Robert Fitzhugh Survey, Abstract No. 317 and the Samuel Sloan Survey, Abstract No. 791 in the Town of Fairview, Collin County, Texas and being Tract 1-13.692 acres, Tract 2-3.06 acres, Tract 3-10.00 acres and Tract 4-17.50 acres described by deed to Starfish Investments, LP according to the deed recorded in cc#20100629000665030 of the Real Property Records of Collin County, Texas, and being generally located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street from Open Space and Flood Hazard (FH) Zone to Two-Acre Ranch Estate (RE-2) Zone. (ZA2015-14) at the December 10, 2015 regular meeting of the Planning and Zoning Commission. Commissioner Friend seconded the motion and the motion was unanimously approved.

4. **Conduct a public hearing, consider, and take any necessary action on a request by Chase Oaks Church for approval of an amendment to Ordinance No. 2014-35. The 10.672± acre subject property is located in the John A. Taylor Survey – ABS No. 909, and is generally located north of Stacy Road and 1,400' west of Meandering Way. The subject property is currently zoned One-Acre Ranch Estate (RE-1) with a Conditional Use Permit (CUP) for a religious institution, and the purpose of this request is to amend the existing CUP, by providing an amended site plan and landscape plan to include additional parking and signage. (ZA2015-15).**

Mr. LaCroix gave a presentation on a request by Chase Oaks Church for approval of an amendment to Ordinance No. 2014-35. The subject property is currently zoned One-Acre Ranch Estate (RE-1) with a Conditional Use Permit (CUP) for a religious institution, and the purpose of this request is to amend the existing CUP, by providing an amended site plan and landscape plan to include additional parking and signage.

Mr. LaCroix stated that one concern found in the statements of oppositions regarded the amount of light that would come from the additional parking. Mr. LaCroix stated the church was amenable to using light bollards to alleviate this issue. Mr. LaCroix added that residents were concerned with the screening provided by the trees already planted and would prefer any additional screening be larger mature trees, such as cedar. Finally, Mr. LaCroix stated that some residents were dissatisfied with the starkness of the paint on the building, causing it stand out.

Chairman Northcutt opened the public hearing.

Lisa Wargofchik, 310 Hawkswood Drive, stated her concerns about the number of trees that were removed as well as any potential glare from the sign.

Mike Burkhart, 620 Forest Oak Court, stated that his home's view is of the back of the church. Mr. Burkhart stated that the residents had asked that the applicant screen with mature trees and smaller six-foot tall cedars were used instead. Mr. Burkhart expressed dissatisfaction with the two-tone color scheme of the building. Mr. Burkhart stated that the access lane through the back of the church is supposed to be emergency access only but it looks like a regular street. He stated that the lights from the construction workers cars shine into his home when they utilize the emergency access easement and he is concerned the same will happen with patrons of the church.

The applicant, Pastor Glen Brechner, 420 Fox Trail, stated their prior CUP had requested code minimum parking but that the church has since grown and requires overflow parking for overlap between services and special events, otherwise the Church would be forced to increase their number of services due to traffic concerns. Pastor Brechner stated he had spoken with Mr. Burkhart and another local resident that is concerned with light shining into their backyards and he agrees they should use light bollards. Pastor Brechner additionally stated that they would like to be good neighbors and plan to change the light gray wall to beige in order to accommodate requests.

Chairman Northcutt closed the public hearing.

Chairman Northcutt asked the applicant to clarify the location of the sign. Pastor Brechner stated that it is located on the Southside closest to Stacy Road on the front of the structure, only lighting the words "Chase Oaks Church."

Chairman Northcutt asked if the applicant was opposed to removing the last row of parking to avoid lights shining into homes. Mr. LaCroix stated there are trees as well as a solid 8-foot fence separating that section of the parking lot from the homes.

Chairman Northcutt asked how much additional parking is currently needed. Pastor Brechner stated that the Church is already 40 to 50 parking spaces short of what would be needed to accommodate their current membership.

Commissioner Cox asked what kind of activity the Church has at night. Pastor Brechner stated that there are Wednesday and Sunday night groups but no services at night. Pastor Brechner

continued that Sunday in the daytime is when they anticipate using the overflow parking, as the additional spots would not be convenient to the main building entrance.

Commissioner Almy asked for clarification on the landscape plan. Pastor Brechner stated that they have stated more than 20 trees as shown in the plan but upon viewing from Mr. Burkhardt's home, he agrees it does not screen well enough and they will look into adding some larger trees.

Commissioner Doi suggested barricading the back parking during evening events to ensure the spaces are not used to help residents. Commissioner Doi agreed with Mr. Burkhardt that if the emergency access easement were not controlled, people would cut through it. Pastor Brechner stated that on Sundays they would have a parking team to keep people from using it. Commissioner Doi agreed that he liked the idea of light bollards.

Commissioner Friend stated that commonsense says the smaller groups will use the parking near the residential if it is closer to where their activity will be held rather than parking near the main entrance, unless that parking is blocked off. Mr. Friend stated he did not personally prefer the signage style but he does not oppose it.

Commissioner Doi and Mr. LaCroix discussed the light intensity. Commissioner Friend stated he felt that because the lighting would face Stacy Road it would not be an issue for the residents.

Commissioner Doi and Staff discussed the size of the trees to be used.

Commissioner Doi made a motion to approve a request by Chase Oaks Church for approval of an amendment to Ordinance No. 2014-35. The 10.672± acre subject property is located in the John A. Taylor Survey – ABS No. 909, and is generally located north of Stacy Road and 1,400' west of Meandering Way. The subject property is currently zoned One-Acre Ranch Estate (RE-1) with a Conditional Use Permit (CUP) for a religious institution, and the purpose of this request is to amend the existing CUP, by providing an amended site plan and landscape plan to include additional parking and signage with the conditions that a proper number and size of red cedars are planted to address neighbors screening issues, that light bollards be utilized in the parking lot addition, that the rear parking area near residents be open only to larger services and that the emergency access entrance be restricted to the public during events. The motion did not receive a second and the motion died.

Commissioner Friend made a motion to approve the request by Chase Oaks Church as submitted. Commissioner Cox seconded the motion. Commissioner Doi asked for clarification why the Commission was not addressing the resident concerns. Commissioner Friend stated he felt the issues were not applicable. Chairman Northcutt stated that he believed they should include the conditions of the bollard lights and additional landscaping. Commissioner Friend amended his motion to account for the addition of larger trees as deemed appropriate by Staff and for the use of bollard lights in the parking lot. Commissioner Cox seconded and the motion was unanimously approved.

5. **The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will consider and take action regarding the town's annual Tree City USA Recertification Application.**
6. **The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will discuss priorities of work for the upcoming calendar year.**

Mr. Chancellor gave an overview regarding the town's annual Tree City USA Recertification Application. He stated the town has met three of the four (4) standards established by the Arbor Day Foundation in order to receive the Tree City USA designation, and final standard is the approval by the Tree Board and then the recertification application would be ready to be submitted.

Commissioner Doi recommended recertify the town's annual Tree City USA Recertification Application. Commissioner Friend seconded the motion and the motion was unanimously approved.

7. **Adjourn.**

Chairman Northcutt adjourned the commission from the meeting at 8:20 p.m.

**MINUTES  
FAIRVIEW, TEXAS  
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE  
THURSDAY, NOVEMBER 12, 2015**

The Capital Improvements Advisory Committee met on Thursday, November 12, 2015 at 372 Town Place, Fairview, Texas. Committee members present were Planning and Zoning Commission Chairman Brad Northcutt, Vice Chairman Pat Friend, Heather Hager, Scott Almy, Ricardo Doi and John Cox. Staff members present were Town Manager, Julie Couch; Interim Planning Manager, Robert LaCroix; Town Engineer, James Chancellor; Engineer-In-Training, Danielle Gregory and Town Secretary, Elizabeth Cappon. Commissioner Flood and Commissioner Hager were absent.

1. **Call to order**

Chairman Northcutt called the meeting to order at 8:21 p.m. and declared a quorum was present.

**2. Discussion regarding the amendment of the Town's Land Use Assumptions, Capital Improvements Plan and Impact Fees; and take any necessary action.**

Mr. Chancellor gave a presentation on Town's Land Use Assumptions, Capital Improvements Plan and Impact Fees.

Mr. Chancellor and the Committee discussed possible Capital Improvement projects such as a force sewer main and updates to Frisco Road and Fairview Parkway.

Mr. Chancellor stated that staff recommended charging the maximum water impact fee and 80 percent of the maximum allowed fee be assessed for sewer, as the maximum sewer fee would make Fairview one of the most expensive in the area.

Mr. Chancellor stated that staff recommended charging the maximum allowed road impact fee for residential and 50 to 60 percent for commercial, in order to be competitive with surrounding cities. Ms. Couch stated that from an economic development standpoint she would recommend around 50 percent.

The CIAC issued a recommendation letter to the Fairview Town Council stating that they recommend approval of the Land Use Assumptions and the Capital Improvements Plan as provided. They also recommended the maximum water impact fee be assessed. The Committee recommended that 80 percent of the maximum allowed fee be assessed for Sewer. For road impact fees, the Committee recommended the maximum residential fee and 50 percent of the maximum commercial fee. Commissioner Friend made a motion to approve the recommendations, Commissioner Doi seconded the motion and the motion was unanimously approved.

**3. Adjourn.**

Chairman Northcutt adjourned the committee from the meeting at 9:30 p.m.

Respectfully submitted,

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Elizabeth Cappon  
Town Secretary

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Brad Northcutt, Chairman  
Planning and Zoning Commission  
Capital Improvements Advisory Committee